

EXHIBIT A

PRE-SENTENCING REPORT

REDACTED

TO BE HAND DELIVERED TO MAGISTRATE ORENSTIEN

EXHIBIT B

March 26, 2010

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

MAUREEN SAINT-GUILLEN, individually, and as
Administratrix of the ESTATE OF IMETTE
SAINT-GUILLEN, and the ESTATE OF IMETTE
SAINT-GUILLEN,

PLAINTIFF,

-against- Case No:

CV-08-441

THE UNITED STATES OF AMERICA,

DEFENDANT.

-----X

DATE: March 26, 2010

TIME: 9:48 a.m.

EXAMINATION BEFORE TRIAL of the
Non-Party Witness, ANTHONY Garoppolo, taken by
the Plaintiff(s), pursuant to an Order and to the
Federal Rules of Civil Procedure, held at the
offices of The United States Attorney's Office,
271 Cadman Plaza East, Brooklyn, New York 11201,
before LA TONIA C. LEWIS, a Notary Public of the
State of New York.

Page 2
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1
2 A P P E A R A N C E S:
3
4

5 TACOPINA & ARNOLD
6 Attorneys for Plaintiff(s)
7 275 Madison Avenue
8 New York, New York 10016
9 BY: SCOTT EPSTEIN, ESQ.
10 ANTHONY GENTILE, ESQ.
11 (OF COUNSEL)

12
13
14
15 THE UNITED STATES ATTORNEY'S OFFICE
16 Attorneys for Defendant(s)
17 271 Cadman Plaza
18 Brooklyn, New York 11201
19 BY: TIMOTHY LYNCH, ESQ.

20
21
22 ALSO PRESENT: Cristine O'Connor
23
24 * * *
25

Page 3
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1

2 S T I P U L A T I O N S:

3

4 IT IS HEREBY STIPULATED AND AGREED by
5 and between the attorneys for the respective
6 parties herein, that the filing, sealing and
7 certification
8 of the within deposition be waived.

9 IT IS FURTHER STIPULATED AND AGREED that
10 all objections, except as to the form of the
11 question, shall be reserved to the time of the
12 trial.

13 IT IS FURTHER STIPULATED AND AGREED that
14 the within deposition may be sworn to and signed
15 before any officer authorized to administer an
16 oath with the same force and effect as if signed
17 and sworn to
18 before the Court.

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23

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March 26, 2010

1 A. GAROPPOLO
2 A N T H O N Y G A R O P O L L O, called as a
3 witness, having been first duly sworn by a Notary
4 Public of the State of New York, was examined and
5 testified as follows:

EXAMINATION BY

7 | MR. EPSTEIN:

8 Q. Please state your name for the
9 record.

10 A. Anthony Garoppolo.

11 Q. Please state your address for the
12 record.

13 A. 180 Montague Street, Apartment 21D
14 Brooklyn, New York 11201.

15 Q. Good morning, sir. My name is Scott
16 Epstein. I'm an attorney with Antin, Ehrlich and
17 Epstein, LLP. We're of counsel to Tacopino &
18 Arnold, LLP the attorneys of record for the
19 plaintiffs Maurine Saint-Guillen as the
20 administratrix in the estates of her deceased
21 daughter, Imette Saint-Guillen.

22 I am going to be ask you some
23 questions today. If you don't understand a
24 question or don't hear me, let me know.

25 Do you understand that?

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1 A. GAROPPOLO

2 A. Yes.

3 Q. Have you ever testified at a
4 deposition before?

5 A. No, only at court hearings and grand
6 jury.

7 Q. Have you reviewed any documents in
8 preparation for your testimony here today?

9 A. A few weeks ago I saw the complaint,
10 I saw the judgment in the case and there may have
11 been one or two other documents but those two I
12 remember seeing.

13 Q. Where did you see those documents?

14 A. Here in this office.

15 Q. When you say the complaint, you mean
16 the civil complaint that we're here to talk about
17 today?

18 A. Civil complaint. I don't have it,
19 but I saw it.

20 Q. The case underlying the complaint
21 we're here to talk about today?

22 A. Your case.

23 Q. When you say the judgement, do you
24 mean the judgement --

25 A. Criminal judgment.

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1

A. GAROPPOLO

2

A. St. Francis College in Brooklyn

3

Heights.

4

Q. Did you graduate?

5

A. Yes.

6

Q. With what type of degree?

7

A. Major in sociology.

8

Q. Did you go straight to work for the
United States government upon graduation?

9

A. At night.

10

Q. Based upon?

11

A. That night.

12

Q. Since you graduated from St.
Francis, have you had any formal education or
training?

13

A. Master's degree in criminal just
from John Jay College.

14

Q. When did you receive that degree?

15

A. February '77.

16

Q. Did you go part-time?

17

A. Yes, at night.

18

Q. While you were fully employed by the
United States government?

19

A. Right.

20

Q. So let's start with 1972 and just

Page 19

March 26, 2010

1 A. GAROPPOLO

2 previously, could you tell me as quickly as you
3 can what your positions were with the approximate
4 dates from when to when?

5 A. Counsel aid with the federal bureau
6 of prisons.

7 Q. Federal bureau of prisons?

8 A. Yes.

9 Q. When was that from?

10 A. June '72 to April '73. April '73
11 to, approximately, June '73 correctional officer.
12 Approximately, June '73 to January '75
13 correctional treatment specialist for which the
14 functional title was case manager.

15 Q. Go on from '75?

16 A. January '75, probation officer in
17 federal court, Eastern District of New York. And
18 then -- you want my positions.

19 Q. Yes.

20 A. Then approximately fifteen years
21 later --

22 Q. That would be, approximately, 1990?

23 A. Yes, sentencing guideline
24 specialist. Approximately 1991, supervisor.
25 Approximately 1992, deputy chief. Approximately,

Page 20

March 26, 2010

1 A. GAROPPOLO

2 2002 senior deputy chief. January 2004, chief.

3 Q. Until your retirement?

4 A. Until my retirement.

5 Q. I have some very, very simple
6 questions going back over your history.

7 What are the functions of a
8 counsellor's aide or a counsellor aide?

9 A. Basically everything, managing
10 inmates in a halfway house, work release,
11 program, handcuff them and take them into custody
12 when needed, counselling duties, searches of
13 rooms, bed checks. You name it, I did it.

14 Q. Let me digress for a second, are you
15 a licensed peace officer?

16 A. No.

17 Q. When you worked for the
18 government --

19 A. When I was a federal probation
20 officer, I was authorized to carry a firearm, I
21 am not sure what our status was in New York
22 State, I believe it may have been peace officer,
23 but there was federal authority. But for the
24 most part, I did not carry a firearm.

25 Q. You were authorized and licensed to

Page 21

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1 A. GAROPPOLO

2 carry a firearm and you made arrest, right?

3 A. I personally never made arrest.

4 Some of my colleagues did, but not I.

5 Q. Before you were a correction officer
6 at the community treatment center complex in
7 Manhattan, which was run by the Bureau of
8 Prisons.

9 A. It no longer exist, but once upon a
10 time it was there, I worked there. My official
11 duty station was at the federal detention center
12 on West Street, which is now defunct, but most of
13 the time I wasn't there.

14 Q. By the way, do you have a resume or
15 CV that contains all this information to try to
16 get through this quicker?

17 A. No. I have a good memory, I can run
18 right through it with you.

19 Q. What is a CTS?

20 A. Correction treatment specialist, a
21 civil service title.

22 Q. What were your functions?

23 A. Basically everything I just said for
24 counsellor aide, we were generalist in that
25 community center treatment collection. If you

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1 A. GAROPPOLO

2 were a case manager, counsellor's aide,
3 correctional officer, most people did the same
4 general duties.

5 Q. I'm more concerned with from 1975 to
6 your retirement, when you became a parole officer
7 in 1975?

8 A. Officially, a probation officer.

9 Q. I'm sorry, probation officer.

10 You were in the Eastern District of
11 New York, correct?

12 A. Yes.

13 Q. What were your duties as a probation
14 officer?

15 A. Supervise federal offenders and to
16 write presentence reports and do presentence
17 investigations.

18 MR. EPSTEIN: Can you read back the
19 last answer for me.

20 (Whereupon, the referred to answer
21 was read back by the Reporter.)

22 Q. You did that for approximately
23 fifteen years?

24 A. I supervised offenders for the ten
25 years. The last five years I worked in pretrial

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1 A. GAROPPOLO

2 services for a while when the probation office
3 ran that function. They don't know, but they did
4 back then so I wasn't writing any presentence
5 reports.

6 Q. Let's stick with the first ten
7 years?

8 A. Presentence reports and supervising
9 offenders.

10 Q. Is that what you did for the first
11 ten years?

12 A. Yes.

13 Q. Approximately, how many offenders
14 did you have at any given period of time?

15 A. I would say the range was usually
16 between forty and fifty-five.

17 Q. What types of offenders were they,
18 if you can answer that question?

19 A. Very criminal offenses of all types,
20 but I would say predominantly narcotics
21 distribution.

22 Q. What did you do basically the last
23 five years of that tenure?

24 A. That was more varied two years I
25 worked at pretrial services and did preindustrial

Page 24

March 26, 2010

1 A. GAROPPOLO

2 services worked.

3 Q. What did that entail?

4 A. Doing bail reports for judges, there
5 was some supervision of pretrial detainees, but
6 supervision only in the most marginal sense. And
7 basically advising magistrate judges on bail
8 matters, sometimes privately.

9 Q. Then in 1991 you were made a
10 supervisor?

11 A. First I was a specialist then a
12 supervisor.

13 Q. What was your exact title,
14 supervisor of what?

15 A. I had a unit of probation officers.

16 Q. How many probation officers did you
17 supervise?

18 A. Five to six.

19 Q. What did that supervision entail?

20 A. Making sure they were doing their
21 work in a quality manner, providing guidance and
22 instruction. Basically managing, oversight of
23 their work.

24 Q. Was that within the Eastern District
25 of New York?

1 A. GAROPPOLO

2 A. It is the only place I worked as a
3 probation officer.

4 Q. Did you carry your own caseload
5 during your tenure when you were supervising
6 those five or six probation officers?

7 A. No.

8 Q. When in '92 were you promoted to
9 deputy chief, what was the exact title?

10 A. Approximately?

11 Q. All these dates are approximately,
12 what was the exact title?

13 A. Deputy chief and placed in charge of
14 the presentence division.

15 Q. What differed about what you did
16 when you were made a deputy chief over just
17 supervisor?

18 A. Well, now, I supervised supervisors
19 in the presentence division. And I made policy
20 as to how the presentence would be run and how we
21 would do our presentence investigations.

22 Q. Were you supervising probation
23 officers that were actually supervising offenders
24 at that point or no?

25 A. No, I had nothing to do with

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1 A. GAROPPOLO

2 supervision.

3 Q. Of people who were supervising
4 offenders?

5 A. Right.

6 Q. During your tenure as deputy chief?

7 A. During that deputy chief period.

8 Correct. I had nothing to do with supervision of
9 offenders that's separate division.

10 Q. In 2002, you were promoted again to
11 senior deputy chief, of what?

12 A. Again, I was still in charge of
13 presentence division, but now because I was the
14 number two person in the probation office I could
15 be called upon for broader activities from time
16 to time and I was.

17 Q. Did your role as senior deputy chief
18 involve the supervision of probation officers who
19 were monitoring or supervising offenders?

20 A. No, not normally. I did investigate
21 them from time to time, but not supervise them.

22 Q. Who did you investigate the
23 probation officers or the offenders?

24 MR. LYNCH: Objection.

25 Q. What did you mean by you

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1 A. GAROPPOLO

2 investigated them?

3 A. Sometimes we had to do internal
4 investigators of probation officers. I remember
5 one in particular that I had to lead the
6 investigation.

7 Q. Then ultimately you were made chief
8 in January of 2004, correct?

9 A. Correct.

10 Q. What was your title?

11 A. Chief probation officer.

12 Q. What were your duties in 2004?

13 A. To manage and lead the federal
14 probation office.

15 Q. Within the Eastern District of New
16 York?

17 A. Yes.

18 Q. And could you tell me very briefly
19 from 2004 -- can we agree that Imette
20 Saint-Guillen was killed in the end of 2006?

21 MR. LYNCH: Objection.

22 Q. Do you know when she was killed?

23 A. I don't know the date, but I know it
24 was during my term as chief.

25 Q. If I tell you it was February 25th

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1 A. GAROPPOLO

2 Q. Yes.

3 A. Sure.

4 Q. Would the use of weapons to commit a
5 crime or crimes be a factor?

6 A. Sure. Definitely.

7 Q. What documents would obtain this
8 information in your department for evaluation of
9 assessment for risk beyond the presentence
10 report?

11 A. The presentence report would be the
12 primary document, beyond what we might have in
13 some cases state presentence reports. We might
14 have some state parole records, but in most
15 instances we don't.

16 Q. What general conditions would be
17 placed on an offender following an assessment by
18 your office?

19 A. Well, the conditions of supervision
20 are the same before and after an evaluation. It
21 is just a matter of how we are going to supervise
22 a particular offender. And whether or not the
23 person is going to be placed in a general
24 caseload or some kind of specialized caseload
25 that would be termed after release.

March 26, 2010

1 A. GAROPPOLO

2 MR. LYNCH: Objection.

3 A. Probably from my own staff.

4 Q. Would Exhibit 2 have been part of
5 the presentence report?

6 A. The prior criminal history would be
7 contained in the presentence report not in a rap
8 sheet itself. The same information just in a
9 different format. The format would be different.
10 I can't say all of the information would be
11 exactly the same, but it would be at least
12 roughly the same.

13 Q. Would this document Exhibit 2 would
14 have dictated the level of supervision Mr.
15 Littlejohn was supposed to be under?

16 A. It would be part of the
17 consideration.

18 Q. Based upon what you reviewed would
19 Mr. Littlejohn have been subject to the highest
20 level of supervision by your office?

21 MR. LYNCH: Objection.

22 A. Not necessarily, we would have to
23 see more. The primary document that we would
24 work with is the presentence report which gives
25 us a more complete picture than just a wrap sheet

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1 A. GAROPPOLO

2 office?

3 A. Correct.

4 Q. That's, in fact, what you are doing
5 now for a living, isn't it?

6 A. Essentially.

7 Q. After the inquiry, was there a
8 conclusion made as to what level of supervision
9 Mr. Littlejohn would have fallen into?

10 A. No.

11 Q. Why not?

12 A. It didn't matter. The cow was out
13 of the barn.

14 Q. Where do you think based upon your
15 experience as chief of the probation office
16 knowing what you know now where he was, would he
17 have fallen into this level of supervision?

18 MR. LYNCH: Objection.

19 A. I would need more than just this
20 wrap sheet to give you an opinion. If you are
21 looking for my opinion, I need the presentence
22 report.

23 Q. Based upon that document where would
24 you have placed him, just that document?

25 MR. LYNCH: Objection.

March 26, 2010

1 A. GAROPPOLO

2 A. It did not happen here.

3 Q. What is the function of a
4 presentence report?

5 A. To aid the judge is sentencing the
6 offender. It also shows the Bureau of Prisons in
7 classifying the offender in dealing with him in
8 the institution. And it is the primary document
9 we work with in evaluating and offender we have
10 in supervision.

11 Q. I also want to digress to something
12 else to clean it up so we don't have to come back
13 to it on Monday. We talked about two jobs one a
14 person who gets a judgment, looks at it and flags
15 it for a state incarcerated offender. And two
16 who then is supposed to pass it onto somebody to
17 followup for a release date?

18 A. Yes.

19 Q. Who supervised either or both of
20 those people between 2004 and 2006?

21 A. Between 2004 and 2006?

22 Q. Right.

23 Mr. Littlejohn was incarcerated in
24 2004 and -- I'm sorry, he was released in 2004?

25 A. He was released in 2004.

1 A. GAROPPOLO

2 function.

3 Q. And who would that be?

4 MR. LYNCH: Objection.

5 A. I have no idea.

6 Q. We talked earlier briefly about risk
7 assessment. Is the assessment for risk different
8 in a presentence report than from a post release
9 supervision report?

10 MR. LYNCH: Objection. Asked and
11 answered.

12 Q. And how so?

13 A. Well, there is no -- it depends
14 what you mean by report. I would say there was
15 no --

16 Q. Is the risk assessment different
17 presentence from post release?

18 A. The risk assessment. I would say it
19 is largely the same. It is largely the same.

20 Q. Is that why the presentence report
21 is so critical in determining the level of
22 supervision an offender mandates?

23 A. It gives us the most complete
24 picture of the offender that we have and it is of
25 critical importance.

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March 26, 2010

1 A. GAROPPOLO

2 (Continued on next page to include

3 jurat.)

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March 26, 2010

1 A. GAROPPOLO

2 MR. EPSTEIN: Thank you. I
3 appreciate you coming in today and I would
4 like to start at nine on Monday as opposed
5 to ten to make sure we finish with him
6 even with a break for walking his dog
7 midday so we can be done with this.

8 MR. LYNCH: 9:30.

9 (Whereupon, at 1:23 p.m., the
10 examination of this witness was
11 concluded.)

12

13

14 ANTHONY Garoppolo

15

16 Subscribed and sworn to before me
17 this _____ day of _____ 20_____.
18

19

NOTARY PUBLIC

20

21

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24

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March 26, 2010

A. GAROPPOLO

E X H I B I T S

3

4 PLAINTIFF(s) EXHIBITS:

5

| 6 EXHIBIT | EXHIBIT | PAGE |
|-----------|-------------|------|
| 7 NUMBER | DESCRIPTION | |
| 8 1 | Document | 1 |
| 9 2 | Document | 80 |

10

11 I N D E X

12

| 13 EXAMINATION BY | PAGE |
|-------------------|------|
| 14 Mr. Epstein | 3 |

15

16 INFORMATION AND/OR DOCUMENTS REQUESTED

| 17 INFORMATION AND/OR DOCUMENTS | PAGE |
|---------------------------------|------|
| 18 Bobbe's Cell number | 29 |

19

20

21 QUESTIONS MARKED FOR RULINGS

| 22 PAGE LINE | QUESTION |
|--------------|----------|
| 23 (NONE) | |

24

25

March 26, 2010

1 A. GAROPPOLO

2 C E R T I F I C A T E

3

4 UNITED STATES DISTRICT COURT)

: SS.:

5 EASTERN DISTRICT OF NEW YORK)

6

7

8 I, LA TONIA C. LEWIS, a Notary Public for
9 and within the State of New York, do hereby
10 certify:

11 That the witness whose examination is
12 hereinbefore set forth was duly sworn and that
13 such examination is a true record of the
14 testimony given by that witness.

15 I further certify that I am not related to
16 any of the parties to this action by blood or by
17 marriage and that I am in no way interested in
18 the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 16th day of March 2010.

21

22

La Tonia C. Lewis

23

LA TONIA C. LEWIS

24

25

EXHIBIT C

March 29, 2010

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

MAUREEN SAINT-GUILLEN, individually, and as
Administratrix of the ESTATE OF IMETTE
SAINT-GUILLEN, and the ESTATE OF IMETTE
SAINT-GUILLEN,

PLAINTIFF,

-against- Case No:

CV-08-441

THE UNITED STATES OF AMERICA,

DEFENDANT.

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EXAMINATION BEFORE TRIAL of the
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Federal Rules of Civil Procedure, held at the
offices of The United States Attorney's Office,
271 Cadman Plaza East, Brooklyn, New York 11201,
before LA TONIA C. LEWIS, a Notary Public of the
State of New York.

Page 2
March 29, 2010

1 A P P E A R A N C E S:

2

3

4 TACOPINA & ARNOLD

5 Attorneys for Plaintiff(s)

6 275 Madison Avenue

7 New York, New York 10016

8 BY: SCOTT EPSTEIN, ESQ.

9 ANTHONY GENTILE, ESQ.

10 (OF COUNSEL)

11

12

13 THE UNITED STATES ATTORNEY'S OFFICE

14 Attorneys for Defendant(s)

15 271 Cadman Plaza

16 Brooklyn, New York 11201

17 BY: TIMOTHY LYNCH, ESQ.

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March 29, 2010

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2 S T I P U L A T I O N S:

3

4 IT IS HEREBY STIPULATED AND AGREED by
5 and between the attorneys for the respective
6 parties herein, that the filing, sealing and
7 certification
8 of the within deposition be waived.

9 IT IS FURTHER STIPULATED AND AGREED that
10 all objections, except as to the form of the
11 question, shall be reserved to the time of the
12 trial.

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14 the within deposition may be sworn to and signed
15 before any officer authorized to administer an
16 oath with the same force and effect as if signed
17 and sworn to
18 before the Court.

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Page 4
March 29, 2010

1 A. GAROPPOLO

2 A N T H O N Y G A R O P O L L O , called as a
3 witness, having been first duly sworn by a Notary
4 Public of the State of New York, was examined and
5 testified as follows:

6 EXAMINATION BY

7 MR. EPSTEIN:

8 Q. Please state your name for the
9 record.

10 A. Anthony Garoppolo.

11 Q. Please state your address for the
12 record.

13 A. 180 Montague Street, Apartment 21D,
14 Brooklyn, New York 11201.

15 Q. Good morning, Mr. Garoppolo.

16 Have you reviewed any documents in
17 between when we ended last Friday and this
18 morning in connection with this case?

19 A. No.

20 Q. Have you discussed your proposed
21 testimony here today with anyone whatsoever
22 including Mr. Lynch before we started this
23 morning?

24 MR. LYNCH: I would object to
25 proposed, but you can answer.

March 29, 2010

1 A. GAROPPOLO

2 A. I haven't discussed proposed
3 testimony, just the length of it.

4 Q. You just discussed the procedural
5 aspects?

6 MR. LYNCH: Objection.

7 A. I just asked if he thought we would
8 be done this morning.

9 Q. What is a pretrial report as opposed
10 to a presentence report?

11 A. It is a report for the judge.

12 Usually a magistrate judge in which some basics
13 of the defendant's background are covered. It is
14 a short report. Perhaps, one or two pages. And
15 it helps the magistrate judges determine whether
16 or not this is a good candidate for bail release
17 and if so under what conditions.

18 Q. Is it used in connection whatsoever
19 with the level of supervision your former office
20 recommended or suggested?

21 A. We have access to the pretrial
22 report and usually have it in our file, how it
23 may be used for a level of supervision, I don't
24 know.

25 Q. Who would know?

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March 29, 2010

1 A. GAROPPOLO

2 next exhibit, please.

3 Q. Sir, before we get to the document
4 just a brief question to kind of conclude what we
5 talked about on Friday. That is, is risk
6 assessed amount different for pretrial versus
7 presentence versus level of supervision?

8 MR. LYNCH: Objection. Compound.

9 A. Well, versus presentence, pretrial
10 and supervision.

11 Q. Right?

12 A. There is overlapping factors and
13 concerns.

14 Q. As briefly as you can, can you tell
15 me the similarities and differences just briefly?

16 MR. LYNCH: Objection. You can
17 answer.

18 A. Well, with pretrial, I mean it is
19 for a very limited evaluation, one is he
20 dangerous to the community, he or she. Two, how
21 likely is he or she to keep court appearances.
22 With presentence and for sentencing, it is a much
23 broader assessment. It is not just risk to the
24 community. It is also level of punish amount
25 that may be needed for account ability purposes

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1 A. GAROPPOLO

2 MR. LYNCH: Objection.

3 Q. As we sit here today, do you have a
4 belief as to what level of supervision before we
5 go through the documents that Mr. Littlejohn
6 would have been subjected to by your office had
7 the system worked?

8 MR. LYNCH: Objection. You can
9 answer.

10 A. I would need the presentence report
11 to give you a most intelligent answer. And I
12 don't have it.

13 Q. What, specifically, in the
14 presentence report would you look at to help you
15 answer the question?

16 A. The whole thing, what he did in the
17 offense, the details of what he did in the
18 offense, the prior criminal record. I would want
19 to see the social background. I would want to
20 see does he change names frequently. Get a whole
21 picture.

22 Q. Do you know if Mr. Littlejohn went
23 by any aliases or changed names as we sit here
24 today?

25 MR. LYNCH: Objection.

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1 A. GAROPPOLO

2 Officer, does that mean anything to you?

3 A. Yes, it means he had one promotion
4 above the bottom wrung.

5 Q. Do you recall him?

6 A. Yes, I knew him slightly.

7 (Continued on next page to include
8 jurat.)

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March 29, 2010

1 A. GAROPPOLO
2

3 Q. Is he still with the government?
4

A. Probably.

5 MR. LYNCH: Mr. Garoppolo reserves
6 his right to review and correct the
7 transcript.

8 (Whereupon, at 1:25 P.M., the
9 examination of this witness was
10 concluded.)

11
12
13 ANTHONY GAROPPOLO
14

15 Subscribed and sworn to before me
16 this _____ day of _____ 20 _____.
17

18 NOTARY PUBLIC
19
20
21
22
23
24
25

March 29, 2010

A. GAROPPOLO

E X H I B I T S

PLAINTIFF(s)' EXHIBITS:

| | EXHIBIT | EXHIBIT | PAGE |
|----|---------|---------------------------------|------|
| | NUMBER | DESCRIPTION | |
| 8 | 3 | Document | 13 |
| 9 | 4 | Document | 36 |
| 10 | 5 | Bates document Probation 372 | 53 |
| 11 | 6 | PACTS printout | 57 |
| 12 | 7 | Bates document Probation 85-88 | 62 |
| 13 | 8 | State of New York document | 71 |
| 14 | 9 | Document | 75 |
| 15 | 10 | Case entries | 77 |
| 16 | 11 | Article | 83 |
| 17 | 12 | Article | 88 |
| 18 | 13 | Document | 89 |
| 19 | 14 | Arrest warrant | 93 |
| 20 | 15 | violation of supervised release | 95 |
| 21 | report | | |
| 22 | 16 | Document | 99 |
| 23 | 17 | Document | 107 |
| 24 | 18 | Monograph | 119 |

I N D E X

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March 29, 2010

1 A. GAROPPOLO
2

3 EXAMINATION BY PAGE
4 Mr. Epstein 3
5
6

7 INFORMATION AND/OR DOCUMENTS REQUESTED

8 INFORMATION AND/OR DOCUMENTS PAGE
9 (NONE)

10

11

12 QUESTIONS MARKED FOR RULINGS

13 PAGE LINE QUESTION
14 (NONE)

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March 29, 2010

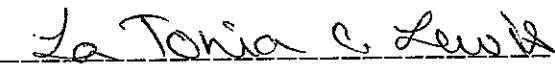
1 A. GAROPPOLO
2 C E R T I F I C A T E
3
4 UNITED STATES DISTRICT COURT)
5 : SS.:
6 EASTERN DISTRICT OF NEW YORK)
7
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10
I, LA TONIA C. LEWIS, a Notary Public for
and within the State of New York, do hereby
certify:
11 That the witness whose examination is
hereinbefore set forth was duly sworn and that
such examination is a true record of the
testimony given by that witness.
12 I further certify that I am not related to
any of the parties to this action by blood or by
marriage and that I am in no way interested in
the outcome of this matter.
13
14 IN WITNESS WHEREOF, I have hereunto set my
hand this 29th day of March 2010.
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LA TONIA C. LEWIS

EXHIBIT D

SR: TDL

USAO File # 2008V00189

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
MAUREEN SAINT-GUILLEN, individually, and
As Administratrix of the Estate of Imette Saint-
Guillen, and the ESTATE OF IMETTE SAINT-
GUILLEN

Plaintiffs,

Civil Action
No. CV-08-441

(Irizarry, J.)
(Orenstein, M.J.)

-against-

THE UNITED STATES OF AMERICA,

Defendant.

**DEFENDANT'S
DISCLOSURES
PURSUANT TO
FED. R. CIV. P. 26(a)**

----- X
Defendant United States of America ("Defendant" or "Government"), by its attorney, BENTON J. CAMPBELL, United States Attorney for the Eastern District of New York, Timothy D. Lynch, Assistant United States Attorney, of counsel, pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, hereby submits to Plaintiffs Maureen St. Guillen and the Estate of Imette St. Guillen (collectively, "Plaintiffs") the following disclosure statement:

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information---along with the subjects of that information---that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

1. Maureen St. Guillen
18 Francis Street
Boston, MA 02115

Plaintiff Maureen St. Guillen is the mother of the decedent, Imette St. Guillen, as well as the adminstratrix of the estate of the decedent. Plaintiff Maureen St. Guillen claims on behalf of herself and the estate to have incurred damages on account of the death of the decedent.

2. Darryl Littlejohn
DIN # 09A0226
Downstate Correctional Facility
122 Red Schoolhouse Rd.
P.O. Box 445
Fishkill, New York 12524-0445
(845) 831-6600

Mr. Littlejohn was convicted of the rape and murder of Imette St. Guillen on June 3, 2009, and sentenced to life imprisonment without parole on July 8, 2009.

3. Anthony Garoppolo
Former Chief
U.S. Probation Dep't
Eastern District of New York
147 Pierrepont Street
Brooklyn, NY 11201-4201

Mr. Garoppolo was in charge of the Probation Department for the period of time that it was responsible for supervising Darryl Littlejohn. Mr. Garoppolo may only be contacted through the undersigned counsel for the United States.

(ii) A copy of--or a description by category and location--of, all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:

1. The administrative file concerning plaintiffs' administrative claim, including, but not limited to, the Standard Form 95 ("SF 95"), and other related documents plaintiffs submitted in support of their administrative claim;
2. Darryl Littlejohn's probation file, including, but not limited to, presentence investigation report;
3. The Supervision of Federal Offenders, Monograph 109 (Rev. 2008); and
4. The Supervision of Federal Offenders Monograph 109 (Rev. 2007).

(iii) a computation of each category of damages claimed by the disclosing party--- who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:

Not applicable at this time.

(iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment:

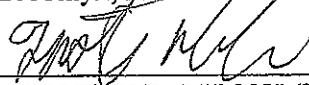
Not applicable.

Defendant provides the foregoing information without waiving or intending to waive, and preserving and intending to preserve, any and all objections, privileges, and protections from disclosure that it might have, including, but not limited to, information prepared in anticipation of litigation, the attorney-client privilege, and work product protection.

Dated: Brooklyn, New York
November 10, 2009

BENTON J. CAMPBELL
United States Attorney
Eastern District of New York
Attorney for Defendant
271 Cadman Plaza East
Brooklyn, ~~New York~~ 11201

By:



TIMOTHY D. LYNCH (TL 8561)
Assistant U.S. Attorney
(718) 254-6288/7000

TO: Joseph Tacopina, Esq.
TACOPINA &
ARNOLD LLP
Attorneys for Plaintiffs
275 Madison Avenue-35th Floor
New York, New York 10016
(212) 883-8833

CV-08-0441

11

SV-08-0441

PLEASE TAKE NOTICE that the within will be
for settlement and signature to the Clerk

presented for settlement and signature to the Clerk
of the United States District Court in his office at the
UNITED STATES DISTRICT COURT U.S. Courthouse, 225
Cadman Plaza East, EASTERN DISTRICT OF NEW YORK
Brooklyn, New York, on the _____ day of _____
20____, at 10:30 o'clock in the afternoon.

Dated: Brooklyn New York,

United States Attorney.

TÖ

Attorney for

SIR:
PLEASE TAKE NOTICE that the within is a
true copy of _____ duly entered herein
on the _____ day of

the Eastern District of New York,
Dated: Brooklyn, New York

United States Attorney,
Attorney for

Attorney for

UNITED STATES DISTRICT COURT

Eastern District of New York

MAUREEN SAINT-GUILLEN,
individually, and As Administratrix of the Estate of
Innette Saint-Guilien, and the ESTATE OF
INETTE SAINT-GUILLEN

卷之三

THE UNITED STATES OF AMERICA,

Defendant

DEFENDANT'S DISCLOSURES PURSUANT TO FED.R.CIV.P.26(a)

Benton J. Campbell

United States Attorney,
Attorney for EDNY
Office and Post Office Address:
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Due service of a copy of the within
is hereby admitted.

Attorney for Defendant
TIMOTHY LYNCH, AUSA
(718) 254-6288

EXHIBIT E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

MAUREEN SAINT-GUILLEN, individually, and as
Administratrix of the Estate of Imette Saint-Guillen, and
the ESTATE OF IMETTE SAINT-GUILLEN,

Case No.: 08 441

ORENSTEIN, M.J.

Plaintiff,
-against-

**Plaintiff's Demand for
Documents**

THE UNITED STATES OF AMERICA

Defendant.

-----X

PLEASE TAKE NOTICE, that pursuant to the FRCP , you are hereby required to serve a response to the below upon the undersigned within 20 days after service of the Demand, setting forth the following:

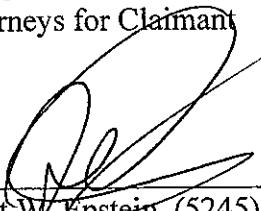
1. Any and all documents regarding the release of Darryl Littlejohn from prison in July 2004, including but not limited to all those concerning the terms of his supervision and/ or monitoring
2. Any and all documents regarding the defendant's statutes, ordinances, rules, regulations and policies regarding the type of offender that Darryl Littlejohn was(in existence from July 2004 through February 2006), and what type of supervision and/or monitoring was mandated as a result there of .
3. Any and all documents regarding the actual supervision and/or monitoring of Darryl Littlejohn from July 2004 until February 2006.

4. Any and all documents regarding communication by and between the defendant and the New York State from January 2004 through February 2006 regarding Darryl Littlejohn.

Dated: New York, New York
December 24, 2009

Tacopina and Arnold, LLP.
Attorneys for Claimant

By: _____


Scott W. Epstein (5245)
Antin, Ehrlich & Epstein Of Counsel
49 West 37th Street, 7th Floor
New York, New York 10018
(212) 221-5999
(212) 221-6867 (f)

To: Timothy D. Lynch, Esq.
U.S. Attorney's Office
Eastern District of New York
147 Pierrepont Street
Brooklyn, New York 11201

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

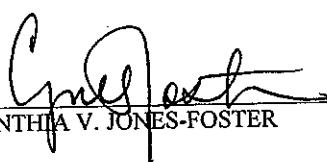
CYNTHIA V. JONES-FOSTER, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside at 49 West 37th Street,
New York, New York 10018,

On the December 24, 2009, I served a true copy of the annexed **PLAINTIFF'S
DEMAND FOR DOCUMENTS** in the following manner:

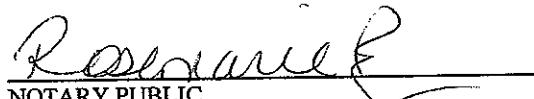
- Reg. Mail by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official Service depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of by mail the addressee(s) as indicated below:
- Personal Service by delivering the same personally to the persons at the address indicated below.
- Service by Electronic Means by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, addressed to the last-known address of the addressee(s) as indicated below.
- Overnight Delivery Service by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below.

To: Timothy D. Lynch, Esq.
U.S. Attorney's Office
Eastern District of New York
147 Pierrepont Street
Brooklyn, New York 11201



CYNTHIA V. JONES-FOSTER

Sworn to before me on this
December 24, 2009



NOTARY PUBLIC

ROSEMARIE PEREZ
Notary Public, State of New York
No. 01PE6004831
Qualified in Bronx County
Commission Expires March 30, 2010

ORIGINAL

ANTIN, EHRLICH & EPSTEIN, LLP

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800.222.0610 • www.alllegal.com

Index No.

Year 20

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MAUREEN SAINT-GUILLEN, individually, and as Administratrix of the Estate of Imette Saint-Guillem, and the ESTATE OF IMETTE SAINT GUILLEN,

Plaintiffs,

-against-

THE UNITED STATES OF AMERICA

Defendants.

PLAINTIFF'S DEMAND FOR DOCUMENTS

ANTIN, EHRLICH & EPSTEIN, LLP

Attorneys for

Plaintiffs

49 WEST 37TH STREET
7TH FLOOR
NEW YORK, NEW YORK 10018
(212) 221-5999

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: Signature:

Print Signer's Name:

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on

20

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. , one of the judges of the within-named Court,
at
on

20 , at M.

Dated:

Attorneys for

ANTIN, EHRLICH & EPSTEIN, LLP

To:

49 WEST 37TH STREET
7TH FLOOR
NEW YORK, NEW YORK 10018

Attorney(s) for

EXHIBIT F



U.S. Department of Justice

United States Attorney's Office
Eastern District of New York

SR:TDL
USAO File # 2008V00189

271 Cadman Plaza East
Brooklyn, New York 11201

January 22, 2010

Via Federal Express
Scott W. Epstein, Esq.
Antin, Ehrlich & Epstein LLP
49 West 37th Street, 7th Flr.
New York, New York 10018

Re: Maureen Saint-Guillen, et al. v. United States,
Civil Action No. CV-08-441 (Irizarry, J.) (Orenstein, M.J.)

Dear Mr. Epstein:

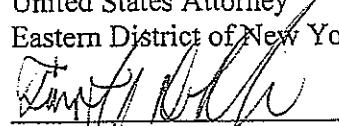
In response to plaintiffs' demand for documents, dated December 24, 2009, enclosed please find additional responsive documents. Please be advised that with regard to certain documents, namely pre-sentencing materials, the Government cannot produce absent a court order. These documents are in the process of being reviewed for possible disclosure under the procedures required by the Administration Office of the U.S. Courts. The undersigned will advise as to whether or not the Government has been authorized to release these documents as soon as possible. Also, a privilege log will be provided under separate cover for documents that have been withheld on privilege grounds.

If you should have any questions, the undersigned may be reached at the number provided below.

Very truly yours,

BENTON J. CAMPBELL
United States Attorney
Eastern District of New York

By:


Timothy D. Lynch
Assistant U.S. Attorney
(718) 254-6288/7000

Enclosure(s)

EXHIBIT G

Antin, Ehrlich & Epstein, LLP

Attoorneys At Law
49 West 37th Street, 7th Floor, New York, New York 10018
Tel. 212-221-5999 • Fax 212-221-6867

Long Island Office
Stephanie G. Ovadia
2160 Hempstead Turnpike
East Meadow, New York 11554
516-542-2133

Please respond to
New York City Office

March 26, 2010

Scott W. Epstein
Joseph L. Ehrlich
Jeffrey S. Antin
Frank Trief

Thomas P. Kinney

Debra L. Babitch
Of Counsel

Via Hand Delivery

Hon. Raymond J. Dearie
Chief Judge, U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: MAUREEN SAINT-GUILLEN, individually, and as Administratrix of the Estate of Imette Saint-Guillen, and the ESTATE OF IMETTE SAINT-GUILLEN v. THE UNITED STATES OF AMERICA
Civil Action Docket #: CV- 08-0441 (Irizarry, J.)(Orenstein, M.J.)

Hon. Judge Dearie:

I am of counsel to the attorney of record in the above-referenced civil case and I am currently handling all pre-trial matters therein. I am writing to request that Your Honor release to my office a copy of the Pre-Trial Report and Pre-Sentencing Report in the following criminal case: USA v. Jonathan Blaze (a.k.a., Darryl Littlejohn) 98-CR-105-01.

The aforesaid reports are discoverable items, they are necessary for the prosecution of plaintiff's current civil action and, most importantly, the AUSA in this matter, Timothy Lynch, has consented to the disclosure of these documents.

Please let us know when they are ready for retrieval as time is of the essence and we wish to retrieve them as soon as possible. Thank you in advance for your consideration of this request.

Respectfully submitted,

Scott W. Epstein

cc: AUSA Timothy Lynch, Esq. (via facsimile)

EXHIBIT H

1:08-cv-00441-DLI -JO Saint-Guillen et al v. United States of America

Dora Lizette Irizarry, presiding

James Orenstein, referral

Date filed: 01/31/2008

Date of last filing: 04/13/2010

History

| Doc. No. | Dates | Description |
|----------|--|--|
| | Filed: 01/31/2008 Entered: 02/01/2008 | Summons Issued as to USA |
| | <i>Docket Text:</i> Summons Issued as to United States of America, U.S. Attorney and U.S. Attorney General (Bowens, Priscilla) | |
| | Filed: 01/31/2008 Entered: 02/01/2008 | Complaint |
| 1 | <i>Docket Text:</i> COMPLAINT against United States of America\$ 350, filed by Maureen Saint-Guillen, Estate of Imette Saint-Guillen. (Attachments: # (1) Civil Cover Sheet) (Bowens, Priscilla) | |
| | Filed & Entered: 02/01/2008 | Case Assigned/Reassigned |
| | <i>Docket Text:</i> Case Reassigned to Judge Dora Lizette Irizarry. Judge Roslynn R. Mauskopf no longer assigned to the case. (Brown, Marc) | |
| 2 | Filed & Entered: 03/12/2008 | Affidavit of Service |
| | <i>Docket Text:</i> AFFIDAVIT of Service for Summons and Complaint served on The United States of America on February 4, 2008, filed by Estate of Imette Saint-Guillen. (Epstein, Scott) | |
| 3 | Filed & Entered: 04/04/2008 Terminated: 04/10/2008 | Motion for Extension of Time to File Response/Reply |
| | <i>Docket Text:</i> First MOTION for Extension of Time to File Response/Reply as to [1] Complaint by United States of America. (Lynch, Timothy) | |
| | Filed & Entered: 04/07/2008 | Order |
| | <i>Docket Text:</i> ORDER re [3] First MOTION for Extension of Time to File Response/Reply as to [1] Complaint filed by United States of America -- The plaintiff shall respond in writing no later than April 9, 2008. Ordered by Magistrate Judge James Orenstein on April 7, 2008. (Roehm, Scott) | |
| | Filed & Entered: 04/10/2008 | Order on Motion for Extension of Time to File Response/Reply |
| | <i>Docket Text:</i> ORDER granting [3] Motion for Extension of Time to File Response/Reply -- The plaintiff's counsel having failed to submit a written response as directed, the motion is granted as unopposed. I note that this is not the first time that the attorney representing the plaintiff has failed to comply with an order I have issued. See <i>Travelers Indemnity Co. v. Liberty Medical Imaging Assoc., et al.</i> , Docket No. 07-CV-2519 (CPS) (JO), docket entry 68. Counsel's continued failure to comply with court orders, in this case or others, will result in the imposition of sanctions. Ordered by Magistrate Judge James Orenstein on April 10, 2008. (Roehm, Scott) | |
| 4 | Filed & Entered: 06/04/2008 | Letter |

| | |
|---|---|
| | Docket Text: Letter Serving Plaintiffs With Defendant's Motion To Dismiss by United States of America (Lynch, Timothy) |
| | <p><i>Filed & Entered:</i> 06/13/2008 Order</p> <p>Docket Text: ORDER re [5] Letter filed by Estate of Imette Saint-Guillen, Maureen Saint-Guillen --As the proposed briefing schedule relates to the government's motion to dismiss the complaint in lieu of an answer, a dispositive matter over which the magistrate judge has no jurisdiction absent a referral from the undersigned, the approval request should have been directed to me. The proposed briefing schedule is hereby APPROVED. Plaintiff's opposition papers shall be served and filed on July 31, 2008 and defendant's reply, if any, shall be filed and served on or before August 18, 2008. The parties are reminded that the motion papers are to be filed electronically via ECF and that hard courtesy copies are to be forwarded to chambers. The parties are further reminded to adhere to the undersigned's Individual Rules and Practices as to page limits and other issues relating to motion practice. SO ORDERED by Judge Dora Lizette Irizarry on 06/13/08. (Irizarry, Dora)</p> |
| | <p><i>Filed & Entered:</i> 06/13/2008 Order</p> <p>Docket Text: ORDER re [4] Letter filed by United States of America AND Modifying June 13, 2008 Order approving briefing schedule -- Contrary to the government's statement in its cover letter to plaintiff accompanying its motion to dismiss, pursuant to Sections IV A(4) and IV D(1) of my individual rules and practices, neither the requirements of requesting pre-motion conferences prior to filing motions nor the bundle rule apply to motions to dismiss in lieu of an answer. HOWEVER, since the government has not filed its motion yet and has undertaken to observe the bundle rule, the bundle rule shall apply. Accordingly, counsel shall serve their papers on their adversary on dates set and will file a letter with the court attesting to such service. On August 18, defendant shall file the fully briefed motion electronically and shall provide chambers with a hard courtesy copy. SO ORDERED by Judge Dora Lizette Irizarry on 06/13/08. (Irizarry, Dora)</p> |
| 5 | <p><i>Filed & Entered:</i> 06/13/2008 Letter</p> <p>Docket Text: Letter proposing briefing schedule re: defendant's motion to dismiss by Maureen Saint-Guillen, Estate of Imette Saint-Guillen (Tacopina, Joseph)</p> |
| | <p><i>Filed & Entered:</i> 08/13/2008 Order</p> <p>Docket Text: ORDER re [6] Letter filed by United States of America -- On consent, the government's request for an extension until September 2, 2008 to reply to plaintiff's opposition papers and file its fully briefed motion is hereby GRANTED. SO ORDERED by Judge Dora Lizette Irizarry on 08/13/08. (Irizarry, Dora)</p> |
| 6 | <p><i>Filed & Entered:</i> 08/13/2008 Letter</p> <p>Docket Text: Letter On Consent Requesting A Two Week Extension Of Time To Submit The Government's Reply by United States of America (Lynch, Timothy)</p> |
| 7 | <p><i>Filed & Entered:</i> 08/25/2008 Letter</p> <p>Docket Text: Letter Respectfully Requesting Permission To Submit Reply Brief That Exceeds The Ten Page Limitation by United States of America (Lynch, Timothy)</p> |
| | <p><i>Filed & Entered:</i> 08/27/2008 Order</p> <p>Docket Text: ORDER re [7] Letter filed by United States of America -- The application is granted. Ordered by Magistrate Judge James Orenstein on August 27, 2008. (Kochendorfer, Kate)</p> |
| 8 | <p><i>Filed & Entered:</i> 08/27/2008 Letter</p> <p>Docket Text: Letter Advising That Adversary Consents To The Government's Request To Exceed</p> |

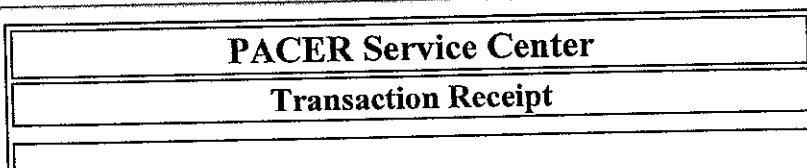
| | | |
|-----------|--|----------------------------|
| | <i>The Page Limitation For Its Reply Brief by United States of America (Lynch, Timothy)</i> | |
| <u>9</u> | <i>Filed & Entered:</i> 09/02/2008 | Motion to Dismiss |
| | <i>Terminated:</i> | 09/28/2009 |
| | <i>Docket Text: Notice of MOTION to Dismiss Pursuant To Rules 12(b)(1) and 12(b)(6) by United States of America. (Lynch, Timothy)</i> | |
| <u>10</u> | <i>Filed & Entered:</i> 09/02/2008 | Memorandum in Support |
| | <i>Docket Text: MEMORANDUM in Support Of The United States' Motion To Dismiss filed by United States of America. (Lynch, Timothy)</i> | |
| <u>11</u> | <i>Filed & Entered:</i> 09/02/2008 | Memorandum in Opposition |
| | <i>Docket Text: MEMORANDUM in Opposition To The United States' Motion To Dismiss And Declaration Of Joseph Tacopina filed by all plaintiffs. (Lynch, Timothy)</i> | |
| <u>12</u> | <i>Filed & Entered:</i> 09/02/2008 | Reply in Support |
| | <i>Docket Text: REPLY in Support Of The United States' Motion To Dismiss filed by United States of America. (Lynch, Timothy)</i> | |
| <u>13</u> | <i>Filed & Entered:</i> 09/02/2008 | Letter |
| | <i>Docket Text: Letter To The Honorable Dora Irizarry Enclosing Courtesy Copies Of The Parties' Motion Papers by United States of America (Lynch, Timothy)</i> | |
| <u>14</u> | <i>Filed & Entered:</i> 09/09/2008 | Letter |
| | <i>Docket Text: Letter re Oral Argument by Maureen Saint-Guillen (Epstein, Scott)</i> | |
| <u>15</u> | <i>Filed & Entered:</i> 10/14/2008 | Letter |
| | <i>Docket Text: Letter re: Oral Argument by Maureen Saint-Guillen (Tacopina, Joseph)</i> | |
| | <i>Filed & Entered:</i> 06/09/2009 | Order |
| | <i>Docket Text: ORDER re [14] Letter filed by Maureen Saint-Guillen -- This letter is STRICKEN as Mr. Scott W. Epstein, the attorney who filed it purportedly on behalf of plaintiff, is NOT the attorney of record in this matter. His name does not appear on the docket nor is there any notice of appearance filed in his name. SO ORDERED by Judge Dora Lizette Irizarry on 6/9/2009. (Irizarry, Dora)</i> | |
| | <i>Filed & Entered:</i> 06/09/2009 | Order |
| | <i>Docket Text: ORDER re [15] Letter filed by Maureen Saint-Guillen -- The request for oral argument on defendant's motion to dismiss the complaint is denied without prejudice. The court will advise the parties if it finds that oral argument will assist the court in deciding the motion. SO ORDERED by Judge Dora Lizette Irizarry on 6/9/2009. (Irizarry, Dora)</i> | |
| <u>16</u> | <i>Filed & Entered:</i> 09/28/2009 | Order on Motion to Dismiss |
| | <i>Docket Text: ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S[9] Motion to Dismiss -- For the reasons set forth in the ATTACHED WRITTEN MEMORANDUM AND ORDER, plaintiff's negligent hiring, retention, supervision, and training claims are DISMISSED. HOWEVER, the motion is DENIED as to plaintiffs' remaining claims. This matter is referred to the magistrate judge for further pretrial proceedings. SO ORDERED by Judge Dora Lizette Irizarry on 9/28/2009. (Irizarry, Dora)</i> | |
| | <i>Filed & Entered:</i> 09/30/2009 | Scheduling Order |
| | <i>Docket Text: SCHEDULING ORDER: A status conference is scheduled for October 28, 2009 at 11:00 a.m. Ordered by Magistrate Judge James Orenstein on 9/30/2009. (Sussman, Dana)</i> | |
| | <i>Filed & Entered:</i> 09/30/2009 | Order |

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| | <i>Docket Text:</i> AMENDED ORDER -- The court hereby amends and replaces the Memorandum and Order originally issued on September 28, 2009 to correct a typographical error on page 15. The decision otherwise remains the same. SO ORDERED by Judge Dora Lizette Irizarry on 9/28/2009. (Irizarry, Dora) |
| 17 | <i>Filed & Entered:</i> 10/13/2009 Motion for Extension of Time to File Answer <i>Terminated:</i> 10/14/2009 |
| 18 | <i>Docket Text:</i> Letter To Honorable James Orenstein Requesting One Week Extension Of Time To Answer Plaintiff's Complaint by United States of America (Lynch, Timothy) Modified on 10/14/2009 (Guy, Alicia). |
| | <i>Filed & Entered:</i> 10/14/2009 Order on Motion for Extension of Time to Answer <i>Docket Text:</i> ORDER granting [18] Motion for Extension of Time to Answer -- The application is granted; the defendant shall answer or otherwise respond to the complaint by October 20, 2009. In the future, all applications for relief should be docketed as motions. Ordered by Magistrate Judge James Orenstein on 10/14/2009. (Sussman, Dana) |
| | <i>Filed & Entered:</i> 10/16/2009 Answer to Complaint |
| 19 | <i>Docket Text:</i> Defendant's ANSWER to [1] Complaint by United States of America. (Lynch, Timothy) |
| | <i>Filed & Entered:</i> 10/23/2009 Order on Motion to Adjourn Conference <i>Docket Text:</i> ORDER granting [20] Motion to Adjourn Conference. The Conference scheduled for October 28, 2009 is rescheduled for November 2, 2009, at 10:30 a.m. Ordered by Magistrate Judge James Orenstein on 10/23/2009. (Guy, Alicia) |
| 20 | <i>Filed & Entered:</i> 10/23/2009 Motion to Adjourn Conference <i>Terminated:</i> 10/23/2009 <i>Docket Text:</i> First MOTION to Adjourn Conference by United States of America. (Lynch, Timothy) |
| | <i>Filed & Entered:</i> 11/02/2009 Initial Conference Hearing <i>Docket Text:</i> Minute Entry for proceedings held before Magistrate Judge James Orenstein:Initial Conference Hearing held on 11/2/2009. SCHEDULING: The next pretrial conference will be held on March 2, 2009, at 2:00 p.m. THE FOLLOWING RULINGS WERE MADE: (1) Mr. Epstein will promptly enter a notice of appearance and register to receive electronic notification of all filings in this case via the court's ECF docketing system. (2) After discussing with the parties their discovery needs, I will enter a separate case management and scheduling order that contemplates the completion of all written discovery within two months of the plaintiff's initial document demands and interrogatories (which the plaintiff will serve within a week), and the completion of all discovery one month after that. I will entertain a request to reconsider that schedule in appropriate circumstances. In order to avoid needless delay, the defendant's counsel will promptly undertake to determine his client's position regarding the release of certain documents concerning Probation Department's policies relating to supervision. (Orenstein, James) |
| | <i>Filed & Entered:</i> 11/02/2009 Scheduling Order <i>Docket Text:</i> SCHEDULING ORDER: Deadline for all Rule 26(a) disclosures: November 2, 2009. First request for production of documents and first request for interrogatories due by: November 9, 2009. Written discovery (other than expert reports) to be completed by: January 11, 2010. All discovery, including production of all expert reports, if any, to be completed by: February 15, 2010. Pretrial Conference (ex parte statements of settlement position due via fax two business days in advance): March 2, 2010, at 2:00 p.m. Dispositive motion process started |

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| | by: March 16, 2010. Joint pretrial order due by: April 13, 2010. SEE ATTACHED ORDER. Ordered by Magistrate Judge James Orenstein on 11/2/2009. (Orenstein, James) | |
| 23 | <i>Filed & Entered:</i> 12/24/2009 | Notice of Appearance |
| | <i>Docket Text:</i> NOTICE of Appearance by Scott W Epstein on behalf of Estate of Imette Saint-Guillen, Maureen Saint-Guillen, United States of America (aty to be noticed) (Epstein, Scott) | |
| 24 | <i>Filed & Entered:</i> 01/06/2010 <i>Terminated:</i> 01/07/2010 | Motion for Extension of Time to Complete Discovery |
| | <i>Docket Text:</i> Joint MOTION for Extension of Time to Complete Discovery by United States of America. (Lynch, Timothy) | |
| | <i>Filed & Entered:</i> 01/07/2010 | Order on Motion for Extension of Time to Complete Discovery |
| | <i>Docket Text:</i> ORDER denying [24] Motion for Extension of Time to Complete Discovery -- The motion is denied. The parties shall appear before me on January 15, 2010 at 10:30 a.m. to discuss their actual discovery needs (including details about the process for reviewing Mr. Littlejohn's pretrial supervision records), the events that were unforeseeable at the time of the initial discovery planning conference that have so drastically changed the parties' view of the time needed to complete discovery, the reason the plaintiffs delayed their initial discovery demands more than six weeks past the deadline for serving them, and the reason the parties are more than two months late in completing the exchange of initial disclosures. At the next conference, I will entertain a renewed application for a very brief extension of the deadline for fact discovery only. Ordered by Magistrate Judge James Orenstein on 1/7/2010. (Sussman, Dana) | |
| 25 | <i>Filed & Entered:</i> 01/07/2010 | Letter |
| | <i>Docket Text:</i> Letter requesting Your Honor's endorsement of a protective order for this action by United States of America (Attachments: # (1) Proposed Order) (Lynch, Timothy) | |
| | <i>Filed & Entered:</i> 01/08/2010 | Order |
| | <i>Docket Text:</i> ORDER re [25] Letter filed by United States of America -- So ordered. Ordered by Magistrate Judge James Orenstein on 1/8/2010. (Sussman, Dana) | |
| 26 | <i>Filed & Entered:</i> 01/15/2010 | Status Conference |
| | <i>Docket Text:</i> Minute Entry for proceedings held before Magistrate Judge James Orenstein:Status Conference held on 1/15/2010. SCHEDULING: The final pretrial conference will be held on March 16, 2010, at 2:00 p.m. THE FOLLOWING RULINGS WERE MADE: (1) The defendant will complete its production of documents responsive to the plaintiffs' outstanding requests no later than January 22, 2010. (2) After discussing the parties' remaining discovery needs, I briefly adjourned the deadline for completing all discovery and will enter a separate amended case management and scheduling order that reflects the revised deadlines. (Orenstein, James) | |
| 27 | <i>Filed & Entered:</i> 01/15/2010 | Scheduling Order |
| | <i>Docket Text:</i> AMENDED SCHEDULING ORDER: All discovery, including all expert disclosures under Rule 26(a)(2), if any, to be completed by: March 1, 2010. Pretrial Conference (ex parte statements of settlement position due via fax two business days in advance): March 16, 2010, at 2:00 p.m. Dispositive motion process started by: March 29, 2010. Joint pretrial order due by: April 26, 2010. SEE ATTACHED ORDER. Ordered by Magistrate Judge James Orenstein on 1/15/2010. (Orenstein, James) | |
| 28 | <i>Filed & Entered:</i> 03/08/2010 | Letter |
| | <i>Docket Text:</i> Letter re Outstanding Discovery by Estate of Imette Saint-Guillen (Epstein, Scott) | |
| | <i>Filed & Entered:</i> 03/08/2010 | Motion for Extension of Time to Complete Discovery |

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| | <i>Terminated:</i> | 03/09/2010 | |
| 29 | <i>Docket Text:</i> Letter MOTION for Extension of Time to Complete Discovery by Estate of Imette Saint-Guillen. (Epstein, Scott) | | |
| | <i>Filed & Entered:</i> | 03/08/2010 | Letter |
| 30 | <i>Docket Text:</i> Letter In Response To Plaintiffs' Letter-Application For Discovery Extension, Dated March 8, 2010 by United States of America (Lynch, Timothy) | | |
| | <i>Filed & Entered:</i> | 03/09/2010 | Order on Motion for Extension of Time to Complete Discovery |
| | <i>Docket Text:</i> ORDER granting [29] Motion for Extension of Time to Complete Discovery -- The application is granted. I will enter a separate amended scheduling order reflecting the new deadlines. Ordered by Magistrate Judge James Orenstein on 3/9/2010. (Sussman, Dana) | | |
| | <i>Filed & Entered:</i> | 03/09/2010 | Scheduling Order |
| 31 | <i>Docket Text:</i> AMENDED SCHEDULING ORDER: All discovery, including production of all expert reports, if any, to be completed by: April 1, 2010. Pretrial Conference (<i>ex parte</i> statements of settlement position due via fax two business days in advance): April 16, 2010, at 11:00 a.m. Dispositive motion process started by: April 29, 2010. Joint pretrial order due by: May 26, 2010. The deadlines in this order will be enforced and, in light of the history of this case, will be modified only upon a timely showing of the most compelling and unforeseeable of extraordinary circumstances. SEE ATTACHED ORDER. Ordered by Magistrate Judge James Orenstein on 3/9/2010. (Sussman, Dana) | | |
| | <i>Filed & Entered:</i> | 03/19/2010 | Order on Motion for Extension of Time to Complete Discovery |
| | <i>Docket Text:</i> ORDER denying [32] Motion for Extension of Time to Complete Discovery -- the motion is denied without prejudice to renewal after seeking the defendant's consent pursuant to Rule III.A.1 of my individual practice requirements. Ordered by Magistrate Judge James Orenstein on 3/19/2010. (Orenstein, James) | | |
| | <i>Filed & Entered:</i> | 03/19/2010 | Order |
| | <i>Docket Text:</i> ORDER re [33] Letter MOTION for Extension of Time to Complete Discovery filed by Estate of Imette Saint-Guillen -- the defendant shall respond in writing by March 22, 2010. Ordered by Magistrate Judge James Orenstein on 3/19/2010. (Orenstein, James) | | |
| 32 | <i>Filed & Entered:</i> | 03/19/2010 | Motion for Extension of Time to Complete Discovery |
| | <i>Terminated:</i> | 03/19/2010 | |
| | <i>Docket Text:</i> Letter MOTION for Extension of Time to Complete Discovery by Estate of Imette Saint-Guillen. (Epstein, Scott) | | |
| 33 | <i>Filed & Entered:</i> | 03/19/2010 | Motion for Extension of Time to Complete Discovery |
| | <i>Terminated:</i> | 03/23/2010 | |
| | <i>Docket Text:</i> Letter MOTION for Extension of Time to Complete Discovery by Estate of Imette Saint-Guillen. (Epstein, Scott) | | |
| 34 | <i>Filed & Entered:</i> | 03/22/2010 | Letter |
| | <i>Docket Text:</i> Letter Responding to Plaintiffs' March 19, 2010 Letter-Motion To Extend Discovery Sine Dine by United States of America (Lynch, Timothy) | | |
| 35 | <i>Filed & Entered:</i> | 03/22/2010 | Motion for Extension of Time to Complete Discovery |
| | <i>Terminated:</i> | 03/23/2010 | |
| | <i>Docket Text:</i> Letter MOTION for Extension of Time to Complete Discovery by Estate of Imette | | |

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| | Saint-Guillen. (Epstein, Scott) | |
| | <i>Filed & Entered:</i> 03/23/2010 | Terminate Motions |
| | <i>Docket Text:</i> Motions terminated, docketed incorrectly: [35] Letter MOTION for Extension of Time to Complete Discovery filed by Estate of Imette Saint-Guillen. Docket entry #35 is a letter. (Guy, Alicia) | |
| | <i>Filed & Entered:</i> 03/23/2010 | Order on Motion for Extension of Time to Complete Discovery |
| | <i>Docket Text:</i> ORDER denying [33] Motion for Extension of Time to Complete Discovery -- The application to adjourn the April 1, 2010 discovery deadline is denied. Ordered by Magistrate Judge James Orenstein on 3/23/2010. (Sussman, Dana) | |
| 36 | <i>Filed & Entered:</i> 03/26/2010 | Telephone Conference |
| 36 | <i>Docket Text:</i> Minute Entry for proceedings held before Magistrate Judge James Orenstein: Telephone Conference held on 3/26/2010. SCHEDULING: The next pretrial conference will be held on April 16, 2010, at 11:00 a.m. THE FOLLOWING RULINGS WERE MADE: (1) The parties called from a deposition with a dispute concerning the attendance of a potential witness. Both sides consented to my suggestion that the potential witness monitor the deposition by telephone from another room. (2) To the extent the parties have a related dispute about the timeliness of any anticipated expert disclosure by the plaintiff, I declined to rule as the matter is premature. (Orenstein, James) | |
| | <i>Filed & Entered:</i> 03/29/2010 | Order |
| | <i>Docket Text:</i> ORDER AUTHORIZING DISCLOSURE - The undersigned has reviewed the files of offender Darryl Littlejohn a/k/a Jonathan Blaze relating to his federal prosecution in this district in 1998 that are currently in the custody of the U.S. Department of Probation. The court hereby authorizes their disclosure to the parties in the instant action subject to the protective order that the parties have entered into in this matter. SO ORDERED by Judge Dora Lizette Irizarry on 3/29/2010. (Irizarry, Dora) | |
| | <i>Filed & Entered:</i> 04/02/2010 | Scheduling Order |
| | <i>Docket Text:</i> SCHEDULING ORDER: Due to a scheduling conflict, the pretrial conference previously scheduled for April 16, 2010 is rescheduled for April 30, 2010, at 10:00 a.m. Because this impacts other dates in the amended scheduling order, see docket entry [31], I will enter a separate amended scheduling order reflecting the new deadlines. Ordered by Magistrate Judge James Orenstein on 4/2/2010. (Sussman, Dana) | |
| 37 | <i>Filed & Entered:</i> 04/02/2010 | Scheduling Order |
| 37 | <i>Docket Text:</i> THIRD AMENDED SCHEDULING ORDER: Pretrial Conference (<i>ex parte</i> statements of settlement position due via fax two business days in advance): April 30, 2010, at 10:00 a.m. Dispositive motion process started by: May 14, 2010. Joint pretrial order due by: June 11, 2010. SEE ATTACHED ORDER. Ordered by Magistrate Judge James Orenstein on 4/2/2010. (Sussman, Dana) | |
| 38 | <i>Filed & Entered:</i> 04/13/2010 | Letter |
| 38 | <i>Docket Text:</i> Letter Brief In Support of Motion To Strike Plaintiffs' Supplemental Disclosures by United States of America (Lynch, Timothy) | |



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